

# State of Washington REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

PRIORITY DATE  
8/3/1993

WATER RIGHT NUMBER  
S3-29518

MAILING ADDRESS  
GLENN HUME  
2220 HWY 25 N  
EVANS WA 99126

SITE ADDRESS (IF DIFFERENT)

## Quantity Authorized for Diversion

DIVERSION RATE  
0.06

UNITS  
CFS

ANNUAL QUANTITY (AF/YR)  
32

## Purpose

PURPOSE	DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Single Domestic supply, stockwater, agricultural irrigation of 10 acres and industrial use	0.06		CFS	32		01/01 - 12/31

## Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
STEVENS	UNNAMED SPRINGS		61-UPPER LAKE ROOSEVELT

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED SPRING 1	1959505	37 N.	38 E.	05	SE¼NE¼	48.73738	118.04774
UNNAMED SPRING 2	1958150	37 N.	38 E.	05	SE¼NE¼	48.73797	118.04790
UNNAMED SPRING 3	1958150	37 N.	38 E.	05	SE¼NE¼	48.73816	118.04794
UNNAMED SPRING 4	1958150	37 N.	38 E.	05	SE¼NE¼	48.73871	118.04794
UNNAMED SPRING 5	1958150	37 N.	38 E.	05	SE¼NE¼	48.74000	118.04788
UNNAMED SPRING 6	1958150	37 N.	38 E.	05	SE¼NE¼	48.73885	118.04443

Datum: NAD83/WGS84

REPORT OF EXAMINATION

### Place of Use (See Attached Map)

#### PARCELS (NOT LISTED FOR SERVICE AREAS)

1958150, 1959505

#### LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

That portion of the SE¼ of the NE¼ of Section 5, T. 37 N., R. 38 E.W.M., in Stevens County, Washington, lying East of right-of-way for State Road No. 22, Evans North, as conveyed to State of Washington by Deed recorded in Book 89 of Deeds, page 158 and by Deed recorded in Book 89 of Deeds, page 159.

EXCEPT commencing at the SE corner of the SE¼ of the NE¼ of said Section 5; thence North 590 feet, thence West 290 feet; thence Southwest to a point on the South line of the SE¼ of the NE¼, 408 feet West of the point of beginning; thence East 408 feet to the point of beginning.

### Proposed Works

6 springs, linked together to storage tanks, drip irrigation for the orchards and vineyards, impact sprinklers around house, small winery

### Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	January 1, 2022	January 1, 2024

### Measurement of Water Use

How often must water use be measured?	Monthly
How often must water use data be reported to Ecology?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (cfs)

### Provisions

#### Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

If all of the springs are linked into one system, only one meter will be required. If not a second meter would be needed.

#### Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

**Proof of Appropriation**

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate contracting with a Certified Water Right Examiner (CWRE) to confirm the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

That portion of this authorization relating to irrigation is classified as a Family Farm Permit in accordance with Chapter 90.66 RCW. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

As requested by the Department of Fish and Wildlife, the construction of the facilities for the appropriation of water under the application may require removal of material from or adjacent to a stream channel or watercourse. A Hydraulic Approval may be obtained from the Department of Fish and Wildlife prior to commencing work. Please contact the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, Attention: Habitat Management Division, Phone (360) 902-2534, to obtain specific requirements for your project.

**Schedule and Inspections**

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

**Findings of Facts**

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S3-29518, subject to existing rights and the provisions specified above.

**Your Right To Appeal**

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.



File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 27th day of January, 2015.



Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

## **BACKGROUND**

This report serves as the written findings of fact concerning Water Right Application Number S3-29518.

### *Public Notice*

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Statesman Examiner on October 20 and 27, 1993 and no protests were received

### *Consultation with the Department of Fish and Wildlife*

RCW 90.03.280 requires the Department to send notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water. The Department of Fish and Wildlife provided written comments May 23, 2002. These comments will be addressed later in the report.

### *State Environmental Policy Act (SEPA)*

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

## **INVESTIGATION**

A site visit was conducted October 30, 2014. The applicant was present.

The applicant has a residence with a lawn, outbuildings, fruit trees, stock and a small garden. Some vineyard and orchard has been planted. These small blocks of orchard and vineyard are currently irrigated with a drip irrigation system. Some of the yard and garden have impact sprinklers and drip lines.

The proposed diversions are partially developed. The applicant proposes to use six springs. Five of the springs are located along a bench and all emerge at the same approximate elevation. The sixth spring emerges at a higher location on the east edge of the property and is the primary producing spring.

Spring No. 1 is constructed with ring tiles dug into the spring area. The tiles are linked into a small concrete tank and a 2 inch pvc pipe is used for irrigation around the residence. The spring flow was estimated at 5 gpm during the wet times of the year. Flows diminish late in the summer.

Springs 2-5 are mostly wet areas that are currently undeveloped. There is evidence these springs were at one time used on the lower portions of the property. There is evidence of old concrete tanks, and piping located near the spring areas.

The sixth spring is a six foot ring tile dug approximately four feet below ground surface. A 2½ inch pvc line diverts water to two 2500 gallons storage tanks. Water is piped from this spring to the house for domestic use and the current drip irrigation on the vineyard and orchard.

#### Proposed Development:

The applicant plans on developing the lower five springs and piping all of these springs together into one holding tank. It is estimated the springs might produce a few gallons per minute each. For the upper spring location (No. 6) the applicant plans on installing more PVC storage tanks and possibly a small lined pond. Due to the limited capacity of the sources, the applicant plans on storing water all year long to obtain sufficient volumes of water to drip irrigate up to 10 acres of orchard and vineyard. A small winery is also planned.

Development of the project will take approximately eight years to complete the planting and raising the tree/vine stock. Each block of orchard or vineyard will take approximately two years to develop and complete. As these blocks mature they will require less water to maintain, allowing for more development to occur.

### **Beneficial Use**

Single domestic supply including lawn, garden irrigation, stockwater, vineyard, orchard and the winery are beneficial uses.

Twenty seven gallons per minute (0.06 cfs), 32 acre-feet per year should be sufficient for single domestic supply (including the lawn, garden and stock), the winery, and agricultural irrigation of ten acres of vineyard and/or orchard.

Six acre-feet of water should be sufficient for single domestic supply, stockwatering, lawn and gardens and the winery.

A review of the Washington State irrigation guide establishes crop requirements in the Northport area for tree fruit with a cover crop requiring up to 2.6 acre-feet per acre (26 acre-feet for agricultural irrigation of ten acres). There is no estimate for grapes in this area. Since the applicant plans on drip irrigation without a cover crop, the use should be significantly less.



## **Consideration of Comments**

The Department of Fish and Wildlife submitted comments on May 23, 2002. The recommendation indicated the need for a Hydraulic Project Approval (HPA). Although the springs rise and fall on the applicant's property he should contact the Habitat Division to ensure compliance with the requirement. (See provisions for contact information.)

## **Water Availability**

An analysis of water availability must take into account not only the physical limitations on the source of supply, but the legal availability as well. There is sufficient water for single domestic supply including garden, lawn and stockwater. Storage will be required to satisfy the irrigation requirement.

These springs rise and fall on the applicant's property and do not directly contribute to any surface water source.

Therefore, water for single domestic supply (including lawn, garden and stockwater), the winery and agricultural irrigation of up to ten acres is available for appropriation.

## **Existing Water Right Documents**

A review of department records was conducted for the applicant's property. Five Short Form Water Right Claims were filed under the name of James McNeil.

Water Right Claim 160495 claims the use from the "Upper Spring" for Domestic, stockwater and irrigation of lawn and garden.

Water Right Claim 160496 claims the use from the "North Spring" for Domestic, stockwater and irrigation of lawn and garden.

Water Right Claim 160497 claims the use from the "North Middle Spring" for Domestic, stockwater and irrigation of lawn and garden.

Water Right Claim 160498 claims the use from the "South Middle Spring" for Domestic, stockwater and irrigation of lawn and garden.

Water Right Claim 160499 claims the use from the "South Spring" for Domestic, stockwater and irrigation of lawn and garden.

These claims did not identify volumes of water or date of first use. It is unknown if these claims represent valid water rights. If an adjudication were to take place, and these claims confirmed for the claimed uses, they would be superior to this decision as to the domestic, stock and lawn and garden uses.

The intent of the Claims Registration Act, Chapter 90.14 RCW, was to document those uses of surface water in existence prior to the adoption of the State Surface Water Code, Chapter 90.03 RCW, which was adopted in 1917, and those uses of ground water in existence prior to the adoption of the State Ground Water Code, Chapter 90.44 RCW, which was adopted in 1945. Since each code(s) adoption, the

only means of acquiring a water right within the state is by filing for, and receiving, a permit from the Department of Ecology or one of its predecessors or is allowed under the domestic exemption to the ground water code (RCW 90.44). The Department of Ecology recognizes that the final determination of the validity and extent associated with a claim registered in accordance with RCW 90.14 ultimately lies with the Superior Court through the general adjudication process.

### **Impairment Considerations**

A review of department records was conducted for existing water rights, permits, and claims within the vicinity of the proposed diversion. There are multiple water right claims and state issued water right certificates located adjacent to the applicant's property. The majority of these claims and rights were for small uses of water and many appear to be from springs originating at the same elevation as the subject springs. It appears this bench has a significant confining layer that extends approximately two miles parallel to the Columbia River from which these springs originate.

Based on the review of these records and the distance between these rights, claims and application, the use of the water daylighting on the surface will not have impacts or impair existing water rights.

### **Public Interest Considerations**

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation.

Chapter 90.54 RCW provides that water allocation shall secure maximum net benefits to the people of the state, while also requiring that perennial rivers of the state shall be retained with base flows necessary to provide for the preservation of fish and other environmental values.

The approval of this application for this quantity and use will not be detrimental to the public interest.

### **Conclusions**

Under Chapter 90.03.290 RCW, an application for permit may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare.

It is the conclusion of this examiner that surface water is available for single domestic supply, lawn, garden, winery, stockwater and agricultural irrigation of ten acres. This appropriation is considered a beneficial use and will not impair existing water rights or be detrimental to the public welfare.

### **RECOMMENDATIONS**

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.



## Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

0.06 cubic feet per second

32 acre-feet per year

*Kevin Brown*

Kevin Brown, Report Writer

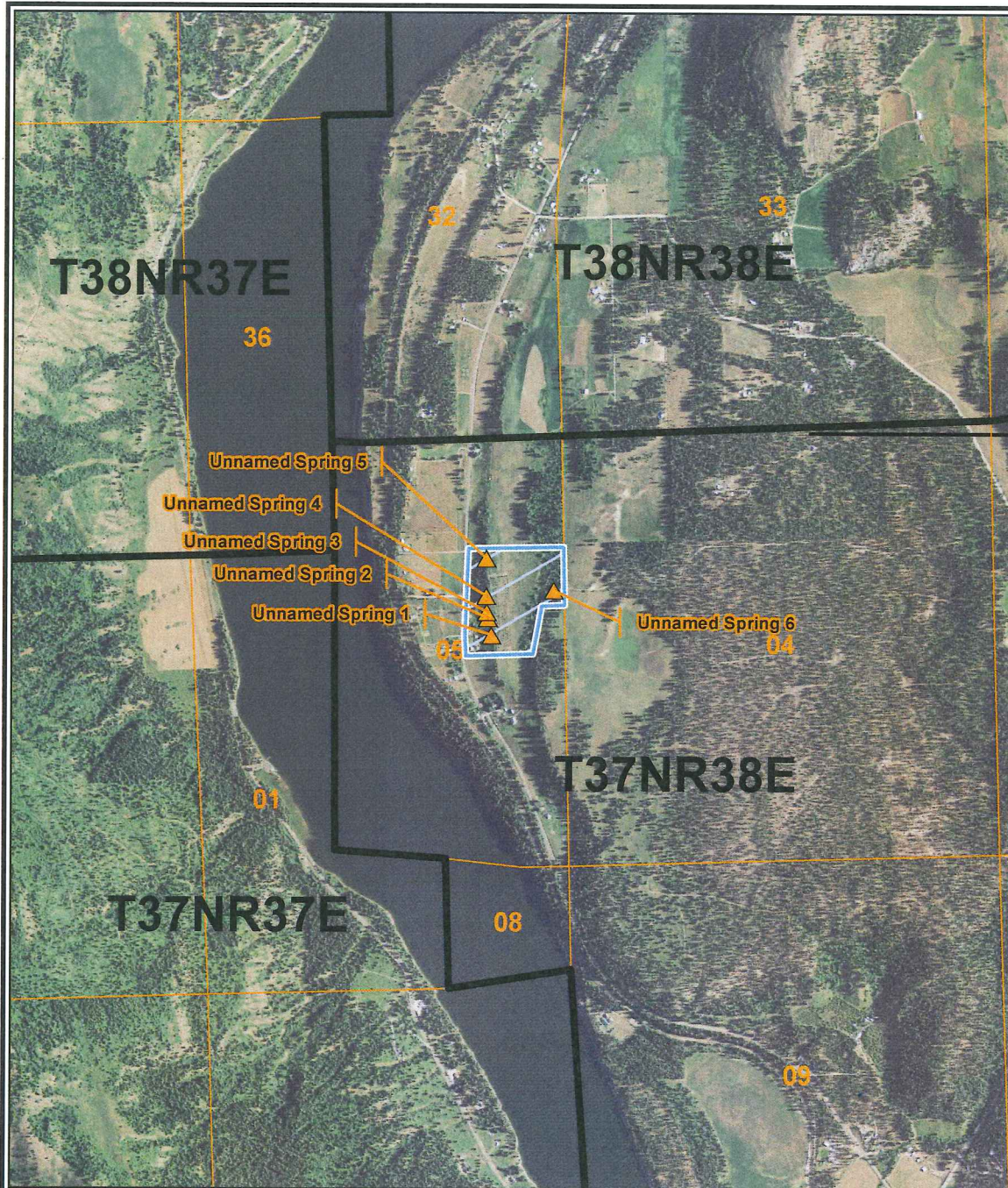
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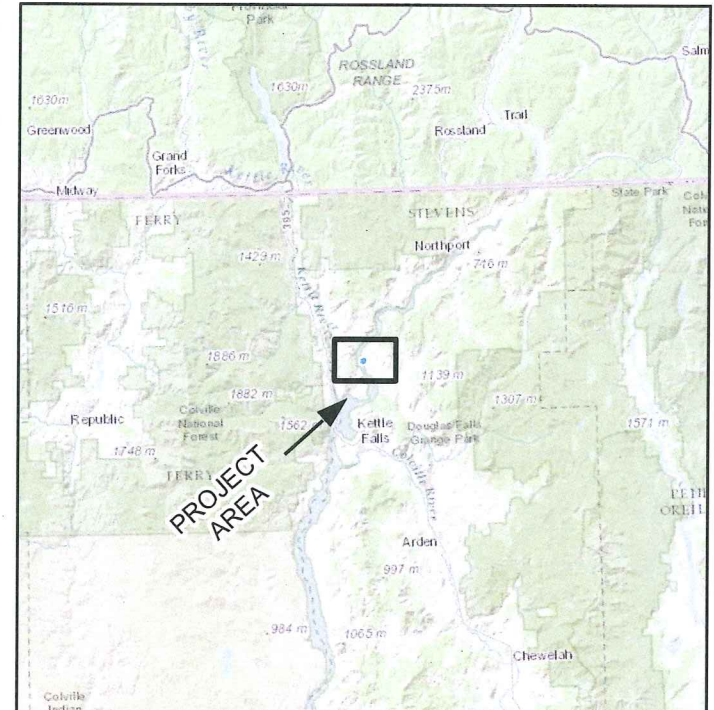
*If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*







Glenn Hume  
S3-29518  
T37N/R38E



ATTACHMENT 1

**Legend**

Basemap - (ESRI US Topographic Maps)



Authorized Place of Use

Townships

Sections



Authorized Point of Diversion

0 660 1,320 2,640 3,960 5,280 6,600 Feet  
Basemap - (NAIP 2013 1m color)



Map Date: 12/10/2014



**Comment:**

Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.